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**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA,  
SOUTHERN DIVISION**

LISA LIBERI, et al,

Plaintiffs,

vs.

ORLY TAITZ, et al,

Defendants.

CIVIL ACTION NUMBER:

**8:11-cv-00485-AG (AJW)**

**DECLARATION OF PHILIP J.  
BERG, ESQUIRE**

Date of Hearing: August 29, 2011  
Time of Hearing: 10:00 a.m.  
Location: Courtroom 10D

**DECLARATION OF PHILIP J. BERG, ESQUIRE**

I, Philip J. Berg, Esquire, am over the age of 18 and am a party to the within action. I have personal knowledge of the facts herein, and if called to do, I could and would competently testify. I am making this Declaration under the penalty of perjury of the Laws of the United States pursuant to 28 U.S.C. §1746.

1. I am an Attorney in good standing, licensed to practice law in the Commonwealth of Pennsylvania. I am licensed to practice in the U.S. District Courts, Middle and Eastern District of Pennsylvania; Third Circuit

1 Court of Appeals; the Pennsylvania Supreme Court; and the U.S. Supreme  
2 Court. I am also entered in this Court *Pro Hac Vice* and represent the  
3 Plaintiffs herein.  
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5 2. Defendant Yosef Taitz in his Individual Capacity, according to the  
6 Docket, has filed a Motion to Dismiss and concurrently filed therewith a  
7 Motion to Strike Portions of Plaintiffs First Amended Complaint.  
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9 3. In particular, Defendant Yosef Taitz is asking the Court to strike  
10 number 4 of Plaintiffs Prayer for Relief, in which he is **not** named or listed.  
11 This is completely improper and should **not** be permitted.  
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13 4. As outlined in Plaintiffs Response in Opposition and Memorandum of  
14 Points and Authorities in Support thereof, Plaintiffs have properly pled their  
15 requests for Punitive Damages and the Causes of Actions which give rise to  
16 the granting of Punitive Damages.  
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19 5. Defendant Yosef Taitz's Motion to Strike is premature as discovery  
20 has **not** commenced between the parties. As stated in Plaintiffs Opposition  
21 to Defendants Motion to Dismiss, it is necessary and mandatory that  
22 Plaintiffs receive the "**source codes**" to the products supplied by Defendants  
23 Yosef Taitz, Daylight Chemical Information Systems, Inc. and Oracle to the  
24 Reed Defendants and Defendant Intelius from January 1, 2009 through  
25  
26  
27  
28

1 today's date. It is also necessary for Electronic Discovery to take place and I  
2 anticipate the need and requirement of "**extensive Electronic Discovery**".

3  
4 6. For these reasons, I respectfully request this Court to Deny  
5 Defendants Motion to Strike. In the alternative, if this Court is inclined to  
6 grant any portion of Defendant Yosef Taitz's Motion to Strike, then I  
7 respectfully Request this Court to Grant Plaintiffs Leave to Amend their  
8 Complaint.  
9

10  
11  
12 I declare under the penalty of perjury of the Laws of the United States and  
13 California that the foregoing is true and correct.  
14

15  
16 Executed this 13<sup>th</sup> day of July, 2011 in the Commonwealth of Pennsylvania,  
17  
18 County of Montgomery.

19 /s/ Philip J. Berg  
20 Philip J. Berg, Esquire, Declarant  
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